IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.2891 OF 2003
WITH
NOTICE OF MOTION NO.2039 OF 2001
IN
SUIT NO.2942 OF 2001

Malati Laxman Kawale ..Plaintiff

Vs.

Narayan L.Kawale & Ors. ..Defendants

Mr.D.S.Sakhalkar for the plaintiff

Mr.M.P.S.Rao i/b Chitnis Raithy and Co for defendant no.1, 2, 3 and 8

Mr.H.T.Pawar for defendant no.11 to 13

Mr.R.R.Mishra for defenant no.14

Mr.R.M.Vasudeo for defendant no.15

Mr.M.S.D'mello for defendant no.18 and 19

Mr.H.S.S.Murthy for defendant no.19(d)

CORAM : S.U.KAMDAR, J
DATED : 2ND FEBRUARY, 2006

P.C.:

. By consent of the parties, the following order is passed:

1. The learned counsel for the defendant no.1, 2, 3 and 8 undertakes to this court that they will deposit a sum of Rs.50 lacs within four weeks from

today and further balance of Rs.50 lacs within 3 months thereafter. The said amount of Rs.1 crore if deposited the same to be invested in Fixed Deposit by the Prothonotary & Sr.Master initially for 13 months and renew the same from time to time thereafter till further orders.

2. In an event if the amount is not deposited, there shall be an interim order and injunction restraining the defendant from alienating, encumbering or creating third party rights in respect of property at item no.2 of schedule at Ex.C to the plaint consisting of three chawls situated at Chincholi Bander Road, Malad (E), Mumbai 64. There shall be further order and injunction restraining defendant from recovering any amount outstanding as receivables under the various agreements of sale entered into by them till and until the said amount of Rs.1 crore is deposited. Both the motions are disposed of accordingly. No order as to costs. This order is passed without prejudice to the rights and contentions of the parties.